IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.1955 OF 2007 AND 5177 OF 2006
IN
FIRST APPEAL NO.688 OF 2006

Shri.S.G.Thakurdesai and another. ..Applicants.
Vs.
State of Maharashtra. ..Respondent.

Mr.N.V.Bandivdekar for the Applicants.
Mrs.G.P.Mulekar, AGP. for the State.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 28th March, 2007

P.C.

1. Heard both sides.

2. These are applications for withdrawal of the amount of Rs.93,82,491/- which is deposited by the respondent-State of Maharashtra being the appellant in First Appeal No.688 of 2006 and for stay of the impugned order. The matter arises from the land acquisition proceeding. The land of the applicants has already been acquired. The reference under Section 18 of the Land Acquisition Act was preferred and the reference court had increased the amount of compensation awarded to the applicants which is challenged by the respondent-State by filing the above referred appeal. Considering the controversy in the matter, we release 50% of the amount to the applicants and the remaining 50% amount should be

invested in the Nationalised Bank. Therefore, we pass the following order.

3. 50% amount of Rs.93,82,491/- be released in favour of the applicants/claimants and remaining 50% amount be deposited in the Nationalised bank, initially for a period of three years. If the appeal is not disposed of within a period of three years, the office shall continue to deposit the amount on year to year basis in the Nationalised bank. Accordingly, application for withdrawal of the amount and for stay of the impugned order stand disposed of.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**